

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark  
Office  
(Box PCT)  
Crystal Plaza 2  
Washington, DC 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

<b>Date of mailing</b> (day/month/year) 11 February 1999 (11.02.99)	
<b>International application No.</b> PCT/AU98/00484	<b>Applicant's or agent's file reference</b> GRM:FP9835
<b>International filing date</b> (day/month/year) 23 June 1998 (23.06.98)	<b>Priority date</b> (day/month/year) 23 June 1997 (23.06.97)
<b>Applicant</b> CONOCHIE, David, Stewart	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:  
22 January 1999 (22.01.99)

☐ in a notice effecting later election filed with the International Bureau on:  
\_\_\_\_\_

2. The election ☒ was

☐ was not


made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No.: (41-22) 740.14.35</p>	<p>Authorized officer</p> <p>Maria Victoria CORTIELLO</p> <p>Telephone No.: (41-22) 338.83.38</p>
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**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference GRM:FP 9835	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International application No. PCT/AU 98/00484	International filing date ( <i>day/month/year</i> ) 23 June 1998	Priority Date ( <i>day/month/year</i> ) 23 June 1997
International Patent Classification (IPC) or national classification and IPC  Int. Cl. <sup>6</sup> F28D 13/00, 21/00		
Applicant (1) KFX INC. (2) CONOCHIE, David Stewart		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of sheet(s).
3.	This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application

Date of submission of the demand 22 January 1999	Date of completion of the report 29 July 1999
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No. (02) 6285 3929	Authorized Officer  <b>ASOKA DIAS-ABEYGUNAWARDENA</b>  Telephone No. (02) 6283 2141

**I.. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☐ the description,      pages , as originally filed,  
                                  pages , filed with the demand,  
                                  pages , filed with the letter of .
- ☐ the claims,      pages , as originally filed,  
                                  pages , as amended (together with any statement) under Article 19,  
                                  pages , filed with the demand,  
                                  pages , filed with the letter of .
- ☐ the drawings,      pages , as originally filed,  
                                  pages , filed with the demand,  
                                  pages , filed with the letter of .
- ☐ the sequence listing part of the description:

pages , as originally filed  
 pages , filed with the demand  
 pages , filed with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description,      pages
- ☐ the claims,      Nos.
- ☐ the drawings,      sheets/fig

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**IV. Lack of unity of invention**

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☒ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

**V: Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-17	YES
	Claims	NO
Inventive step (IS)	Claims 1-17	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-17	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)****NOVELTY (N): Claim 1-17**

WO 91/17391 A (ABB STAL AB) 14 November 1991  
AU 41497/93 (666016) B (METALLAGESELLSCHAFT AKTIENGESELL SHAFT) 6 January 1994  
US 4493157 A (GORDON R WICKER) 15 January 1985  
US 4213752 (WALTER H. SEITZER) 22 July 1980

None of the citations discloses all of the features of any one of the above claims.

**INVENTIVE STEP (IS):**

As above

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 14-16 are not succinct due to the use of the word "preferred".

**COPY**

**PCT**

Griffith Hack  
GPO Box 1285K  
MELBOURNE VIC 3001

(PCT Rule 66)

**REPLY DUE** within **TWO MONTHS**  
from the above date of mailing

Applicant's or agent's file reference  
GRM : FP 9835

International application No.  
**PCT/AU 98/00484**

International filing date (day/month/year)  
23 June 1998

Priority Date (day/month/year)  
23 June 1997

International Patent Classification (IPC) or both national classification and IPC

**Int. Cl.<sup>6</sup>** F28D 13/00, 21/00

**Applicant**

(1) KFx INC.  
(2) CONOCHIE, David Stewart

1. This written opinion is the **first** (first, etc) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input checked="" type="checkbox"/>	Certain observations on the international application

The applicant is hereby **invited to reply** to this opinion.

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4*bis*.  
For an informal communication with the examiner, see Rule 66.6.

**If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.**

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: **23 October 1999**

**Name and mailing address of the IPEA/AU**  
**AUSTRALIAN PATENT OFFICE**  
**PO BOX 200**  
**WODEN ACT 2606**  
**AUSTRALIA**  
**Facsimile No. (02) 6285 3929**

Authorized Officer

**ASOKA DIAS-ABEYGUNAWARDENA**

Telephone No. (02) 6283 2141

Basis of the opinion

1. With regard to the elements of the international application:\*

☒ the international application as originally filed.

☐ the description, pages , as originally filed,  
pages , filed with the demand,  
pages , filed with the letter of .

☐ the claims, pages , as originally filed,  
pages , as amended under Article 19,  
pages , filed with the demand,  
pages , filed with the letter of .

☐ the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , filed with the letter of .

☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

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☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

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4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/fig

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"



**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-17	YES
	Claims	NO
Inventive step (IS)	Claims 1-17	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-17	YES
	Claims	NO

**2. Citations and explanations****NOVELTY (N): Claims 1-17**

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**INVENTIVE STEP (IS):**

As above.

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